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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,904	11/27/2002	Kuo-Hsuan Luo	IACP0026USA	5305
27765	7590	11/05/2004	EXAMINER	
NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)			DINH, TAN X	
P.O. BOX 506			ART UNIT	PAPER NUMBER
MERRIFIELD, VA 22116			2653	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,904

Applicant(s)

LUO ET AL.

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1) The amendment filed 8/12/2004 is acknowledged.

2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

3) (e) the invention was described in:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4) Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by ITO et al (6,631,107).

ITO et al discloses a method for accessing data on an optical disc with an optical disc drive, wherein the optical disc comprises at least one session (Fig.2, sessions 204, 208, 212), the session comprising a lead-in area and a program data area (Fig.2, 201, 203), the method comprising the step of:

providing the optical disc drive with an optical pickup for accessing the data on the optical disc (optical pick-up is inherent in every optical device);

using the optical pickup to record a table of contents in the lead-in area of the session of the optical disc (column 2, lines 13-20);

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using the optical pickup to record descriptive data corresponding to the table of contents in the lead-in area of the session (column 5, line 1 to column 6, line 32. In this case, the descriptive data is CD TEXT recorded in TOC with title of the songs and other information. See also table 1 and 2); and

using the optical pickup to record program data corresponding to the table of contents in the program data area of the session (Fig.2, 202, 206, 210).

As to claim 2, ITO et al shows descriptive data comprises a content data for describing the program data on the program data area (column 5, line 1 to column 6, line 32. In this case, the descriptive data is CD TEXT recorded in TOC with title of the songs and other information. See also table 1 and 2).

As to claim 3, ITO et al shows descriptive data comprises length data for making length of the content data (column 5, table 1, the length data is track start address).

As to claim 4, ITO et al shows descriptive data comprises ending data (the ending data is inherent in each session of the optical disk).

As to claims 5 and 6, ITO et al shows descriptive data comprises category data for making category of content data (tables 1-11).

As to claim 7, ITO et al shows a plurality of sessions are arranged in order (Fig.2, sessions 204, 208 and 212).

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As to claims 8 and 9, ITO et al shows the optical disk and optical disk drive is CD-ROM, VCD or DVD (column 1, line 10 to column 2, line 20).

As to claim 10, ITO et al shows the session further comprises a lead-out area (Fig.2, 203, 207 and 211).

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8) Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over ITO et al (6,631,107).

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ITO et al discloses all the subject matter claimed as in claim 11, except to specifically show a monitor for displaying the operations of the disk. Official Notice is taken that monitor are widely used in the art for displaying the operations of the disk player (the monitor is inherent in every CD player, VCD player, CD-ROM player or DVD player for displaying the tracks, the time remain, the total time on the disk, the title of song, the name of artist, etc.,) and therefore they are old and well known. It would have been obvious to use the old and well known monitor in a disk player such as ITO et al's because, in the absence of any new or unexpected result, selecting of a known material/element based on its suitability for the intended use is deem obvious. In re LESHIN, 125 USPQ 416.

9) Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

10) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See form PTO-892 attached herein).

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and

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the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR §1.111(c).

11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN X. DINH whose telephone number is (703) 308-4859. The examiner can normally be reached on Monday - Friday, 8:00AM - 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
November 3, 2004